

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

UNITED STATES OF AMERICA

vs.

CAUSE NO. 3:16-cv-985-KS  
CRIMINAL NO. 3:12-cr-141-KS-FKB-002

H. CLAIBORNE FRAZIER

ORDER

THIS CAUSE IS BEFORE THE COURT on Motion for Bail Pending Resolution of §2255 Motion [179] filed by H. Claiborne Frazier, Movant. The Court has considered the Motion.

Title 18 §3143 of the United States Code provides for “release or detention of a defendant pending sentence or appeal.”

The request for bail pending resolution of this motion will be considered as request for bail pending appeal.

“§3143(b) **Release or detention pending appeal by a defendant --** (1) Except as provided in paragraph (2), the judicial officer shall order that a person who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal or a petition for a writ of certiorari, be detained, unless the judicial officer finds -- . . . (B) that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in –

- (i) reversal,
- (ii) an order for a new trial,
- (iii) a sentence that does not include a term of imprisonment, or
- (iv) a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process.

The Court finds that the Movant has not established his entitlement for release pending appeal, and the Motion for Bail Pending Resolution of §2255 Motion [179] will be, and the same is, hereby DENIED.

SO ORDERED this the 31st day of August, 2017.

s/Keith Starrett  
UNITED STATES DISTRICT JUDGE